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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

RLOOM, LLC., a Delaware limited liability company,

Plaintiff,

vs.

IMEDIA BRANDS, INC., a Minnesota corporation, dba SHOPHQ fka EVINE LIVE, INC.; and DOES 1 through 10, inclusive,

Defendants.

Case No. 2:23-cv-00825

**PLAINTIFF RLOOM, LLC's
COMPLAINT DAMAGES FOR:**

- 1. GOODS SOLD AND DELIVERED;**
- 2. ACCOUNT STATED; AND**
- 3. OPEN BOOK ACCOUNT**

DEMAND FOR JURY TRIAL

Trial Date: None Set

Plaintiff Rloom, LLC ("Plaintiff" or "Rloom") hereby alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is, and at all times herein relevant was a Citizen of California with its principal place of business in the County of Los Angeles. Plaintiff is organized as a Delaware LLC and is qualified to do business in the State of California.

2. Plaintiff is informed and believes, and thereon alleges, that defendant iMedia Brands, Inc. dba ShopHQ formerly known as Evine Live, Inc. ("Defendant" or "iMedia Brands") is, and at all times herein relevant was, a citizen of Minnesota and organized as a Minnesota corporation, with its principal place of business in

1 Minnesota, conducting business throughout State of California, including but not
2 limited to the County of Los Angeles. Plaintiff is informed and believes that
3 Defendant's qualification to conduct business in California has been forfeited.

4 3. This Court has original subject matter jurisdiction over the claims in this
5 action pursuant to 28 U.S.C. Section 1332. The matter in controversy exceeds the
6 sum of \$75,000, exclusive of costs and interest. There is complete diversity of
7 citizenship pursuant to 28 U.S.C. § 1332.

8 4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 in that one or
9 more of the parties are located in or transact their affairs in this District, and/or a
10 substantial part of the events or omissions giving rise to the claims occurred in this
11 District, and/or the contracts that form the basis of this Complaint were to be
12 performed in the County of Los Angeles, California, and because all the parties are
13 subject to personal jurisdiction in this Court.

14 5. Plaintiff is unaware of the true names or identities of the defendants sued
15 herein as DOES 1 through 10, inclusive, and therefore sues these defendants by such
16 fictitious names. Plaintiff will amend the Complaint to allege their true names and
17 capacities when ascertained. Plaintiff is informed and believes, and based thereon
18 alleges, that each of the fictitiously named defendants is responsible in some manner
19 for the occurrences alleged in this Complaint, and for Plaintiff's injury as alleged in
20 this Complaint. iMedia Brands and DOES 1 through 10 are sometimes referred to
21 herein, collectively, as "Defendants."

22 6. Plaintiff is informed and believes, and based thereon alleges, that at all
23 times herein relevant, each of the Defendants, including the DOE Defendants, was
24 either an agent, representative, partner, alter ego and/or joint venturer of the other
25 defendants and that each of said Defendants either participated in, planned,
26 authorized, ratified, adopted and assisted in, conspired in, or acted as an accomplice
27 to, one or more of the various acts, omissions, and agreements alleged herein, or is
28 otherwise legally responsible therefor.

FIRST CLAIM FOR RELIEF

(Common Counts – Goods Sold and Delivered – Against All Defendants)

7. Plaintiff incorporates the allegations set forth in paragraphs 1 through 6 above, as though fully set forth herein.

8. Within the past year, Defendants became indebted to Plaintiff for monies due for goods sold and delivered, and which Defendants have failed and refused to return to Plaintiff.

9. Defendants have been unjustly enriched in that, among other things, they received a substantial benefit and profit from good sold to which they failed to pay.

10. Plaintiff is damaged and seeks recovery and restitution against Defendants and each of the Doe Defendants of the damages in an amount no less than \$630,403.45, together with interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023.

11. Plaintiff is further entitled to attorneys' fees, according to proof.

SECOND CLAIM FOR RELIEF

(Common Counts – Account Stated – Against All Defendants)

12. Plaintiff incorporates the allegations set forth in paragraphs 1 through 6 above, as though fully set forth herein.

13. Within the last four years and prior to the commencement of this suit, an account was stated in writing between Plaintiff, on the one hand, and Defendants, on the other hand, and Defendants were indebted to Plaintiff in the sum of no less than \$630,403.45.

14. No part of said sum has been paid, although demand therefor has been made, and there is now due, owing and unpaid from Defendants, jointly and severally, to Plaintiff the sum of no less than \$630,403.45 and interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023.

15. Plaintiff is further entitled to attorneys' fees according to proof.

THIRD CLAIM FOR RELIEF

(Common Counts – Open Book Account – Against All Defendants)

16. Plaintiff incorporates the allegations set forth in paragraphs 1 through 6 above, as though fully set forth herein.

17. Within two years last past and prior to the commencement of this action, Defendants became indebted to Plaintiff on an open book account in the sum of no less than \$630,403.45.

18. No part of said sum has been paid, although demand therefor has been made, and there is now due, owing and unpaid from Defendants to Plaintiff the sum of no less than \$630,403.45 and interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023.

19. Plaintiff is further entitled to attorneys' fees according to proof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendants in this action as follows:

As to the First Claim For Relief – Common Count – Goods Sold and Delivered:

1. For damages of no less than \$630,403.45 and interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023, plus interest thereon at the highest legal rate; and

2. For reasonable attorneys' fees, pursuant to contract.

As to the Second Claim For Relief – Common Count - Account Stated:

3. For damages of no less than \$630,403.45 and interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023; and

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4. For reasonable attorneys' fees pursuant to contract.

As to the Third Claim For Relief – Common Count – Open Book Account:

5. For damages of no less than \$630,403.45 and interest thereon, from and after the due date of each past due payment outstanding, in the amount of \$15,547.33, for a total of \$645,950.78 plus a daily interest of \$172.71 from and after February 2, 2023; and

6. For reasonable attorneys' fees, pursuant to contract.

As to All Causes of Action:

7. For costs of suit incurred herein; and

8. For such further and other relief as the Court deems just and proper.

DATED: February 2, 2023

Respectfully submitted,

RESCH POLSTER & BERGER LLP

By: /s/ Michael C. Baum
MICHAEL C. BAUM
Attorneys for Plaintiff RLoom LLC

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action.

DATED: February 2, 2023

Respectfully submitted,

RESCH POLSTER & BERGER LLP

By: /s/ Michael C. Baum
MICHAEL C. BAUM
Attorneys for Plaintiff RLoop LLC

RESCH POLSTER & BERGER LLP